Draft Scope of Work for a Targeted Environmental Impact Statement for 307 Kent Avenue (CEQR No. 20DCP100K)

A. INTRODUCTION

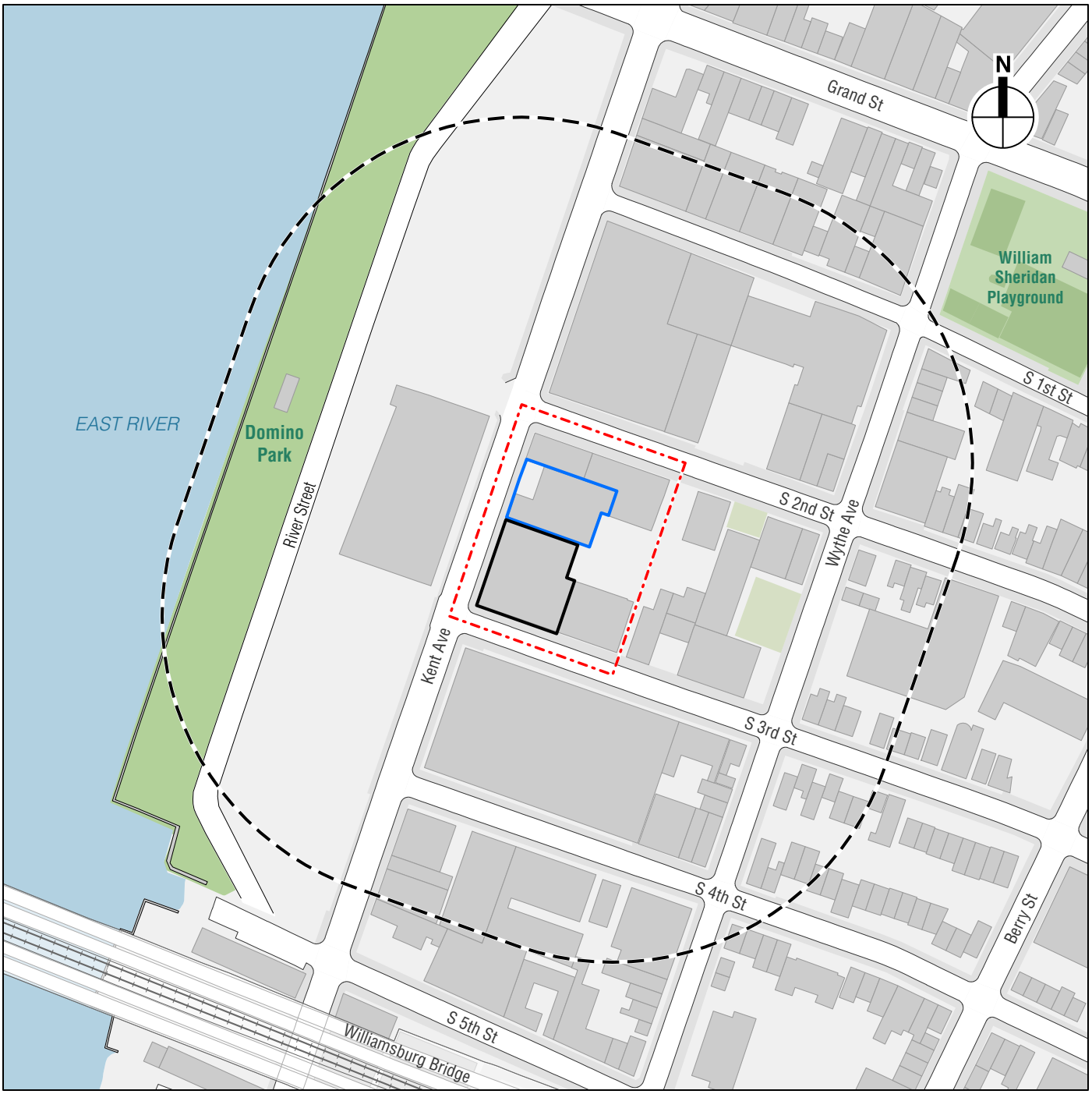
The applicant, 307 Kent Associates, proposes the construction of a mixed-use office, light manufacturing, community facility, and retail building (the Proposed Project[1]) at 307 Kent Avenue (Block 2415, Lot 1; Projected Development Site 1) in the Williamsburg neighborhood of Brooklyn, Community District 1 (see **Figure 1**). To facilitate the Proposed Project, the applicant is requesting two actions from the New York City Planning Commission (CPC): a zoning map amendment in order to rezone the western portion of Block 2415 around the Proposed Project including Block 2415, Lots 1, 6, 10, 7501, 7502, and a portion of (p/o) Lots 16 and 38 (the Rezoning Area), from M3-1 and M1-4/R6A to M1-5 as well as a zoning text amendment to Map 2 for Community District 1, Brooklyn within Appendix F of the Zoning Resolution to remove a portion of Subject Block from the "Excluded Area" shown on this map in order to establish a Mandatory Inclusionary Housing (MIH) area and to make MIH regulations applicable. Collectively, the proposed zoning map amendment and zoning text amendment represent the Proposed Actions. Together the lots identified within the Rezoning Area compose the Project Area. Another projected development site which is not under the applicant's control, Projected Development Site 2, is located at Block 2415, Lot 6, and has also been identified as likely to be redeveloped as a result of the proposed rezoning and will be analyzed.

In addition to Projected Development Site 1 and Projected Development Site 2, the Project Area includes several other lots located in the western portion of Block 2415 that would be rezoned (Lots 10, 38, 7501, 7502, p/o 16, p/o 38) but are not expected to be redeveloped. The Proposed Actions would rezone Projected Development Site 1, Projected Development Site 2, Lot 10, and p/o Lots 6, 7501, and 7502 from M3-1 to M1-5, extend the adjacent MX-8 (M1-4/R6A) westwards by 90 feet to meet the new M1-5 district, and remove a 90-foot wide portion of the Subject Block from the "Excluded Area" shown on Map 2 of Appendix F in order to make MIH regulations applicable for the proposed MX-8 (M1-4/R6A) rezoning area.

The New York City Department of City Planning (DCP), acting on behalf of CPC, will be the lead agency for environmental review. Based on the Environmental Assessment Statement (EAS) that has been prepared, the lead agency has determined that the Proposed Actions have the potential to result in significant adverse environmental impacts, requiring that an EIS be prepared. Scoping is

[1] The Proposed Project on Projected Development Site 1 would contain approximately 101,000 gross square feet (gsf), including 70,000 gsf of office uses, 22,000 gsf of community facility uses, and 9,000 gsf of retail uses. The proposed M1-5 district encourages commercial and light industrial uses, and manufacturing uses would be subject to stringent performance standards consistent with the mixed-use character of the neighborhood. For the purposes of CEQR analyses, a portion of the 70,000 gsf commercial uses are assumed to be light industrial in order to present a conservative analysis for certain technical areas, such as Air Quality, and a portion is assumed to be office in order to present a more conservative analysis in other technical areas, such as Transportation.

1.3.20



0 200 FEET

Project Area (Proposed Rezoning Area)

Projected Development Site 1

Projected Development Site 2

Study Area (400-foot perimeter)



Project Location

307 KENT AVENUE

Figure 1

the first step in the preparation of the EIS and provides an early opportunity for the public and other agencies to be involved in the EIS process. It is intended to determine the range of issues and considerations to be evaluated in the EIS. This Draft Scope of Work includes a description of the Proposed Project and the actions necessary for its implementation, presents the proposed framework for the EIS analysis, and discusses the procedures to be followed in the preparation of the Draft EIS (DEIS). The 2014 *City Environmental Quality Review (CEQR) Technical Manual* will serve as a general guide on the methodologies and impact criteria for evaluating the Proposed Actions' effects on the various areas of environmental analysis.

B. REQUIRED APPROVALS AND REVIEW PROCEDURES

PROPOSED ACTIONS

The applicant is seeking a zoning map amendment to Zoning Map Section 12d to rezone Block 2415, Lots 1, 10, and p/o Lots 6, 7501, and 7502 from M3-1 to M1-5. In addition, the existing MX-8 (M1-4/R6A) district covering the eastern half of the block would be extended westwards by 90 feet to meet the boundary of the proposed M1-5 district, rezoning p/o Lots 6, 16, 38, 7501, and 7502 and thereby eliminating an existing split-lot condition. A text amendment to Map 2 for Community District 1, Brooklyn within Appendix F of the Zoning Resolution is also necessary to remove a 90-foot wide portion of the Subject Block from the "Excluded Area" shown on Map 2 in order to make MIH regulations applicable for the proposed MX-8 (M1-4/R6A) rezoning area (see **Figures 2 and 3**).

CITY ENVIRONMENTAL QUALITY REVIEW AND SCOPING

The Proposed Actions are classified as Unlisted, as defined under 6 NYCRR 617.4 and NYC Executive Order 91 or 1977, as amended, and is subject to environmental review in accordance with CEQR guidelines. An EAS was completed on January 10, 2020. The EAS analyzes the Proposed Actions' potential to generate significant adverse environmental impacts. A Positive Declaration, issued on January 10, 2020, established that the Proposed Actions may have a significant adverse impact on the environment, thus warranting the preparation of an EIS.

The CEQR scoping process is intended to focus the EIS on those issues that are most pertinent to the Proposed Actions. The process allows other agencies and the public a voice in framing the scope of the EIS. The scoping document sets forth the analyses and methodologies that will be utilized to prepare the EIS. During the period for scoping, those interested in reviewing the Draft Scope may do so and give their comments to the lead agency. The public, interested agencies, Brooklyn Community District 1, and elected officials are invited to comment on the Draft Scope, either in writing or orally, at a public scoping meeting to be held on February 13, 2020 at the NYC Department of City Planning Hearing Room, 120 Broadway-Concourse Level, New York, NY 10271. Comments received during the Draft Scope's public meeting and written comments received by February 24, 2020 will be considered and incorporated as appropriate into the Final Scope of Work (Scope). The lead agency will oversee preparation of the Final Scope, which will incorporate all relevant comments on the Draft Scope and revise the extent or methodologies of the studies, as appropriate, in response to comments made during scoping. The DEIS will be prepared in accordance with the Scope.

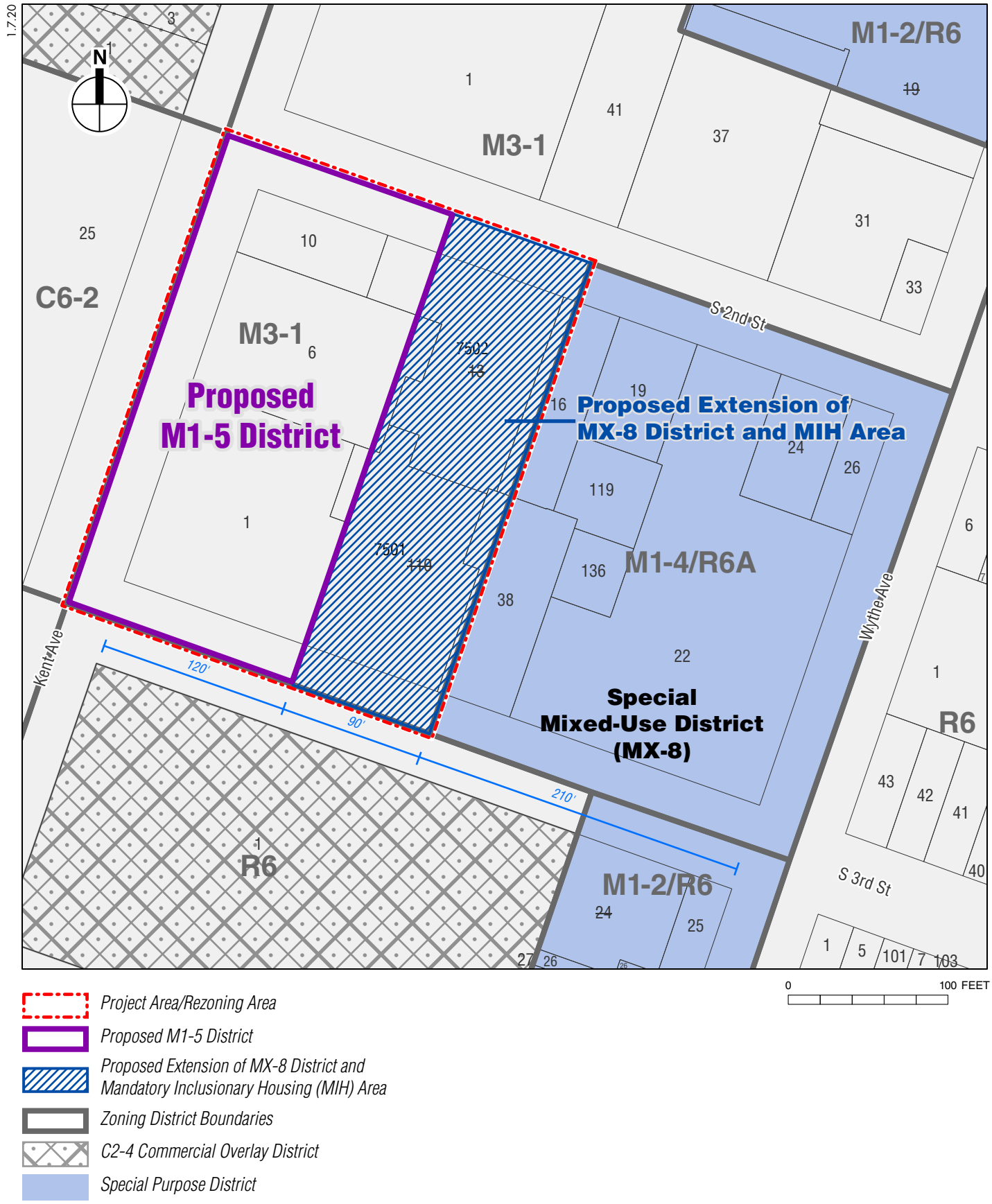
Once the lead agency is satisfied that the DEIS is complete, the document will be made available for public review and comment. A public hearing will be held on the DEIS in conjunction with the CPC hearing on the land use applications to afford all interested parties the opportunity to submit oral and written comments. The record will remain open for 10 days after the public hearing



Existing Zoning

307 KENT AVENUE

Figure 2



Proposed Zoning

307 KENT AVENUE

Figure 3

to allow additional written comments on the DEIS. At the close of the public review period, a Final EIS (FEIS) will be prepared that will respond to all substantive comments on the DEIS, along with any revisions to the technical analyses necessary to respond to those comments. The FEIS will then be used by decision makers to evaluate CEQR findings, which will address project impacts and proposed mitigation measures in deciding whether to approve the requested discretionary actions with or without modifications.

C. AREA AFFECTED BY THE PROPOSED ACTIONS

The Project Area (shown on **Figure 4**), is composed of seven tax lots:

- Block 2415, Lot 1 (Projected Development Site 1);
- Block 2415, Lot 6 (Projected Development Site 2);
- Block 2415, Lot 10;
- Block 2415, Lot 7501;
- Block 2415, Lot 7502;
- Block 2415, p/o Lot 16; and
- Block 2415, p/o Lot 38.

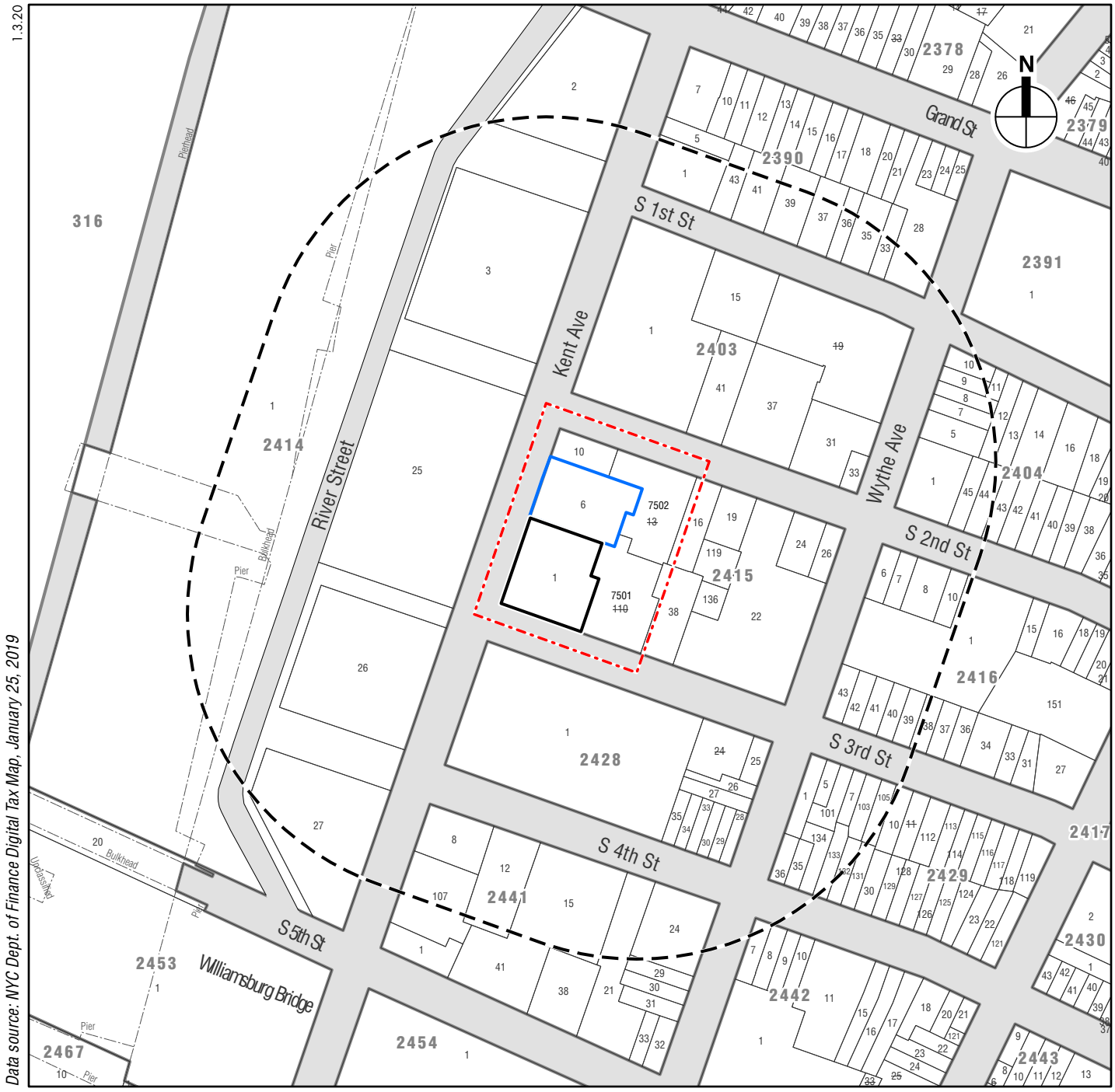
The Project Area, which is located within an M3-1 zoning district, includes a mix of single- and multi-story residential, commercial, retail, and warehouse uses. Projected Development Site 1, which is 14,425 square feet (sf) in size, is currently occupied by a 15,296-gross-square-foot (gsf) single-story warehouse with a mezzanine. The existing warehouse on Projected Development Site 1 is occupied by Villain, a warehouse/production event space. Lot 6, Projected Development Site 2, is occupied by a single-story warehouse. Lot 10 is occupied by a single-story commercial building that is currently vacant and Lots 7501 and 7502 are occupied by two four-story residential condominium buildings. Lot 16 currently contains a private accessory parking lot associated with an adjacent daycare use at 56 South 2nd Street, while Lot 38 contains a four-story residential walk-up with ground floor retail.

D. DECRIPTION OF THE PROPOSED PROJECT

Approval of the Proposed Actions would facilitate the demolition of the approximately 15,296-gsf of existing warehouse/production uses on Projected Development Site 1, followed by the construction of a proposed nine-story mixed-use building. The new building would contain approximately 101,000 gsf, including 70,000 gsf of office uses, 22,000 gsf of community facility (medical office) uses, and 9,000 gsf of retail uses. Proposed Use Groups (UG) would include retail and office (UG 6), community facility (UG 4A), commercial and light manufacturing (UG 9A, 10A, 11A, 16A, 17B, 17C, and 18A), and storage and mechanical space. Approximately 6,000 gsf of loading and mechanical space has been included in the office use gsf total. The Proposed Project would have a total floor area ratio (FAR) of up to 6.5 (including up to 1.5 FAR of UG 4A community facility uses).

E. PURPOSE AND NEED

The Proposed Actions are necessary to allow the Proposed Project and its mix of uses, which would bring more diverse uses to the area and meet the demands of the surrounding growing neighborhood, which continues to transform from a manufacturing area to a mixed-use area. The Proposed Actions would facilitate the creation of new quality light manufacturing, office,



Tax Map

307 KENT AVENUE

Figure 4

community facility, and retail spaces to serve what has become a mixed-use area. The rezoning would also allow for the replacement of the windowless warehouse currently located on Projected Development Site 1 with quality ground-floor retail development on Kent Avenue and South 3rd Street, activating the street and improving the site's engagement with the neighborhood, consistent with more modern quality-of-life standards.

F. ANALYSIS FRAMEWORK

The lead agency is required to take a "hard look" at the environmental impacts of proposed actions and, to the maximum extent practicable, avoid or mitigate potentially significant adverse impacts on the environment, consistent with social, economic, and other essential considerations. An EIS is a comprehensive document used to systematically consider environmental effects, evaluate reasonable alternatives, and identify and mitigate, to the maximum extent practicable, any potentially significant adverse environmental impacts. The EIS provides a means for the lead and involved agencies to consider environmental factors and choose among alternatives in their decision-making processes related to a proposed action.

This section outlines the conditions to be examined in the EIS.

REASONABLE WORST CASE DEVELOPMENT SCENARIO (RWCDS)

In order to assess the possible effects of the Proposed Actions, a Reasonable Worst Case Development Scenario (RWCDS) was developed to account for existing conditions, the Future without the Proposed Actions (No Action condition) and the Future with the Proposed Actions (With Action condition). The incremental difference between the future No Action and future With Action conditions serves as the basis for the impact analysis of the environmental review, as described below.

IDENTIFICATION OF DEVELOPMENT SITES

The first step in establishing the development scenario for the Proposed Actions was to identify those sites where new development could be reasonably expected to occur. In particular, all lots within the proposed Rezoning Area where a substantial increase in permitted FAR is proposed are considered as development sites, excepting circumstances where other conditions make redevelopment unlikely (e.g., sites where construction is actively occurring, or has recently been completed, as well as lots with recent alterations that would have required substantial capital investment). As described above, the proposed Rezoning Area would cover the western half of Block 2415, between South 2nd and South 3rd Streets, beginning at a distance of 220 feet from Wythe Avenue and extending westerly to Kent Avenue, which consists of Block 2415, Lots 1, 6, 10, 7501, and 7502, as well as p/o Lots 16 and 38.

The proposed rezoning would facilitate the development of Projected Development Site 1, which is owned by the Applicant. The Applicant does not own—and has no intention of acquiring—Lot 6; however, with the proposed rezoning of the majority of the lot from M3-1 to M1-5, the maximum permitted FAR would increase from 2.0 to 5.0 (6.5 including community facility space). Therefore, development of Lot 6 is likely as a result of the proposed increase in allowable FAR and, accordingly, Lot 6 is considered a projected development site as Projected Development Site 2.

In addition to Projected Development Site 1 and Projected Development Site 2, the proposed rezoning boundaries contain Lots 10, 7501, 7502, as well as small portions of Lots 16 and 38 its western edge. As part of the proposed rezoning the existing MX-8 (M1-4/R6A) district covering the eastern half of Block 2415 would also be extended westerly by 90 feet from its existing

boundary 210 feet from Wythe Avenue, to 300 feet from Wythe Avenue (120 feet from Kent Avenue). This extension would also cover the westerly portion of Lots 16 and 38 that are currently mapped in the existing M3-1 district. As these M3-1 zoned portions of Lots 16 and 38 are currently located less than 25 feet from the existing zoning district boundary line between the M3-1 and MX-8 (M1-4/R6A) districts, the entirety of Lots 16 and 38 can, under existing zoning (ZR Sec. 77-11), be treated as if wholly located within the MX-8 district in any event. Therefore, the Proposed Actions would not result in an increase in permitted FAR on Lots 16 and 38, and these lots are not considered projected development sites under the RWCDS.

The proposed MX-8 (M1-4/R6A) extension would also cover a p/o Lot 6 and the majority of Lots 7501 and 7502. Lot 10 would be rezoned in its entirety from M3-1 to M1-5. The development of Lots 10, 7501, and 7502 is under Board of Standards and Appeals (BSA) jurisdiction per a 2003 BSA resolution (BSA Cal. No 102-03-BZ), which granted a variance to facilitate development of a mixed-use project containing two 45-foot tall, four-story residential condominium buildings with a total floor area of 57,819 sf and an FAR of 2.0 (Lots 7501 and 7502), one commercial building with a floor area of 3,212 sf and an FAR of 0.13 (Lot 10), and 29 parking spaces for residential tenants accommodated in the rear yard between the two residential buildings. The buildings on these three lots were completed in 2009, 2010, and 2008 respectively. Because Lot 10, which is part of a single zoning lot with Lots 7501 and 7502 and is part of a single BSA-approved project remaining under BSA jurisdiction, it is not considered a soft site for purposes of the RWCDS analysis. As these lots remain under BSA jurisdiction, any redevelopment or enlargement of the existing buildings on these lots under the proposed rezoning would be contingent upon a further discretionary BSA approval process separate from the Proposed Actions. Similarly, the potential transfer of additional excess development rights from these lots to Projected Development Sites 1 and 2would also be contingent upon a further discretionary BSA approval process. Furthermore, the use of such excess development rights on Projected Development Sites 1 and 2 may not be practical given applicable height and setback regulations. Therefore, the transfer of any excess development rights is not reasonably considered as a part of the proposed rezoning.

BUILD YEAR

The Proposed Project is anticipated to enter the City's Uniform Land Review Procedure (ULURP) in 2020 upon certification of the DEIS and to complete this process in 2021, after which construction would begin. Construction of the Proposed Project would proceed in a single phase and is anticipated to take 21 months. Construction would consist of the following primary construction stages: demolition, excavation and foundation (approximately four months); superstructure and exteriors (approximately eight months); and interiors and finishing (approximately nine months). Based on these assumptions, 2022 has been identified as the analysis year for the Proposed Actions.

THE FUTURE WITHOUT THE PROPOSED ACTIONS (NO ACTION CONDITION)

Absent the Proposed Actions, no new development is anticipated to occur within the Project Area. Existing buildings and uses observed in the existing condition would remain through the 2022 build year. As described above, Projected Development Site 1 is currently a 15,296-gsf single-story warehouse/production event space. Projected Development Site 2, is currently occupied by an 11,334-gsf single-story warehouse. Lot 10 is occupied by a 3,212-gsf single-story commercial building that is currently vacant and Lots 7501 and 7502 are occupied by two four-story residential condominium buildings with a total floor area of 57,819 sf. Lot 16 currently contains a private accessory parking lot associated with an adjacent daycare use at 56 South 2nd Street, while Lot 38 contains a 12,172-gsf four-story residential walk-up with ground floor retail.

THE FUTURE WITH THE PROPOSED ACTIONS (WITH ACTION CONDITION)

PROJECTED DEVELOPMENT SITE 1

As described above, in the With Action condition Development Site 1 would be redeveloped with a new, approximately 101,000-gsf, nine-story mixed-use building containing light industrial, office, community facility, and retail uses. The building would include 70,000 gsf of office uses (split between 1/3 office use and 2/3 light industrial and manufacturing use for the purposes of analysis[2]), 22,000 gsf of community facility (medical office) uses, and 9,000 gsf of retail uses.

PROJECTED DEVELOPMENT SITE 2

For the purposes of conservative analysis, it is assumed that the Proposed Actions would facilitate the development of Projected Development Site 2. It is assumed that Projected Development Site 2 would be redeveloped as a new, approximately 80,500-gsf, nine-story mixed-use building containing office, community facility, and retail uses. The building would include 55,000 gsf of office uses, 17,500 gsf of community facility (medical office) uses, and 8,000 gsf of retail uses.

OTHER SITES

It is expected that Block 2415, Lots 10, 7501, 7502, and p/o Lots 16 and 38 would remain the same in both the No Action and With Action conditions. Lots 10, 7501, 7502, and p/o Lots 16 and 38 do not meet the criteria of a "soft site" as defined by the *CEQR Technical Manual*. As previously mentioned Lots 10, 7501, and 7502 would remain under BSA jurisdiction, as per the 2003 BSA resolution. Any redevelopment or enlargement of the existing buildings on these lots would be contingent upon further discretionary a BSA approval process. The Proposed Actions would not increase the development potential of Lots 16 and 38, and no changes to these lots are anticipated.

As shown in **Table 1**, the RWCDS represents the increment for analysis, understood as the difference between the With Action and No Action conditions, to be analyzed in the EIS. Based on the comparison between the No Action and With Action conditions the RWCDS include an incremental increase of 68,693 gsf of commercial uses, 46,667 gsf of light manufacturing and manufacturing uses, and 39,500 gsf of community facility uses. As a result of the Proposed Actions, an additional 523 workers are expected within the Project Area.[3]

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[2] The proposed M1-5 district encourages commercial and light industrial uses, and manufacturing uses would be subject to stringent performance standards consistent with the mixed-use character of the neighborhood. For the purposes of the CEQR analyses, a portion of the 70,000 gsf commercial uses are assumed to be light industrial in order to present a conservative analysis for certain technical areas, such as Air Quality, and a portion is assumed to be office in order to present a more conservative analysis in other technical areas, such as Transportation.

[3] Incremental worker population was calculated by multiplying the proposed and projected development programs by industry employment ratios commonly used for CEQR analysis: 1 worker/500 gsf of commercial (service to businesses) uses; 1 worker/333 of retail and medical office uses; 1 worker/250 gsf of office uses; and 1 worker/500 gsf of light industrial and manufacturing uses.

Table 1
Reasonable Worst Case Development Scenario

Use	Existing Condition (gsf)	No Action Condition (gsf)	With Action Condition (gsf)	Increment (gsf)
Commercial				
Service to Businesses	Projected Development Site 1 – 15,296 Projected Development Site 2 – 11,344 **Total – 26,640**	Projected Development Site 1 – 15,296 Projected Development Site 2 – 11,344 **Total – 26,640**	-	-26,640
Office	-	-	Projected Development Site 1 – 23,333 Projected Development Site 2 – 55,000 **Total – 78,333**	+78,333
Retail	-	-	Projected Development Site 1 – 9,000 Projected Development Site 2 – 8,000 **Total – 17,000**	+17,000
Manufacturing/Industrial				
Light Industrial and Manufacturing	-	-	Projected Development Site 1 – 46,667 Projected Development Site 2 – 0 **Total – 46,667**	+46,667
Community Facility				
Medical Office	-	-	Projected Development Site 1 – 22,000 Projected Development Site 2 – 17,500 **Total – 39,500**	+39,500

Note: Approximately 6,000 gsf of loading and mechanical space has been included in the office use gsf total.
Source: 307 Kent Associates, DCP-approved 307 Kent RWCDS

G. SCOPE OF WORK FOR THE EIS

As described above, the environmental review provides a means for decision-makers to systematically consider environmental effects along with other aspects of project planning and design, to evaluate reasonable alternatives, and to identify, and mitigate where practicable, any significant adverse environmental impacts.

The EIS will contain the following:

- A description of the proposed actions and the environmental setting;
- A statement of the environmental impacts of the proposed actions, including short- and long-term effects and typical associated environmental effects;
- An identification of any adverse environmental effects that cannot be avoided if the proposed actions are implemented;
- A discussion of reasonable alternatives to the proposed actions;
- An identification of irreversible and irretrievable commitments of resources that would be involved if the proposed actions are implemented; and
- A description of measures proposed to minimize or fully mitigate any significant adverse environmental impacts.

The first step in preparing the EIS document is the public scoping process. Scoping is the process of focusing the environmental impact analysis on the key issues that are to be studied in the EIS. The proposed scope of work for each technical area to be analyzed in the EIS follows.

The EAS that has been prepared for the Proposed Actions identified several technical areas in which the Proposed Actions would not have the potential to result in significant adverse impacts. Based on the EAS, the Proposed Actions do not meet the criteria warranting analysis in these technical areas: Socioeconomic Conditions; Community Facilities and Services; Natural Resources; Solid Waste and Sanitation Services; Energy; Greenhouse Gas Emissions, and Construction, and no significant adverse impacts to these technical areas would occur with the Proposed Actions. As outlined below, analyses have been prepared for the EAS:

- Land Use, Zoning, and Public Policy (see EAS Attachment B);
- Open Space (see EAS Attachment C);
- Shadows (see EAS Attachment D);
- Historic and Cultural Resources (see EAS Attachment E);
- Urban Design and Visual Resources (see EAS Attachment F);
- Hazardous Materials (see EAS Attachment G);
- Water and Sewer Infrastructure (see EAS Attachment H); and
- Noise (see EAS Attachment I).

No significant adverse impacts were identified for open space, shadows, historic and cultural resources, urban design and visual resources, or water and sewer infrastructure; therefore, no further analysis in these technical areas is warranted. The EIS will include detailed analysis in the technical areas where the Proposed Actions would potentially result in significant adverse impacts (including additional data in for the land use, zoning, and public policy and hazardous materials analyses), based on the findings of the EAS. The scope of work and the proposed impact assessment criteria below are based on the methodologies and guidance set forth in the *CEQR Technical Manual*.

TASK 1: PROJECT DESCRIPTION

As the first chapter of the EIS, the Project Description will introduce the reader to the Proposed Actions and the Proposed Project and set the context in which to assess impacts. The chapter will identify the Proposed Actions and provide the following:

- An introduction describing background, the Project Area, Projected Development Site 1, the Proposed Project, and the Proposed Actions;
- A statement of the public purpose and need for the Proposed Actions, and key planning considerations that have shaped the proposal;
- A description of the analysis framework for the environmental review, including a discussion of the No Action condition and the build year for analysis;
- A detailed description of the Proposed Actions, including both the No Action program and the With Action program;
- A description of the design of the Proposed Project with supporting figures; and
- A discussion of the approvals required, procedures to be followed, the role of the EIS in the process, and its relationship to any other approvals.

TASK 2: LAND USE, ZONING, AND PUBLIC POLICY

The Proposed Actions would result in a zoning map amendment and a zoning text amendment. Therefore, the EIS will include an assessment of the Proposed Actions' consistency with land use, zoning, and public policy, in accordance with the *CEQR Technical Manual*.

The zoning map amendment that would change a portion of the existing M3-1 zoning in the Project Area to M1-5. This new zoning district would cover the western portion of Block 2415, extending from Kent Avenue to a boundary 120 feet eastwards. In addition, the existing MX-8 (M1-4/R6A) district covering the eastern half of the block would be extended westward by 90 feet to meet the boundary of the proposed M1-5 district, rezoning p/o Lots 6, 16, 38, 7501, and 7502, thereby eliminating an existing split-lot condition (see **Figure 3**). M1-5 districts have a maximum manufacturing and commercial FAR of 5.0, a maximum community facility FAR of 6.5, and maximum total FAR of 6.5 if community facility use is provided. Heights are governed by a sky exposure plane, which begins at 85 feet above the street line, and no accessory parking is required.

As a result of the proposed extension of the existing MX-8 district westward by 90 feet, a text amendment to Map 2 for Community District 1, Brooklyn within Appendix F of the Zoning Resolution is also necessary to remove a 90-foot wide portion of the Subject Block from the "Excluded Area" shown on Map 2 in order to make MIH regulations applicable for the proposed MX-8 (M1-4/R6A) rezoning area.

Projected Development Site 1 is currently improved with a single-story warehouse building with a mezzanine that is used as a warehouse/production event space known as Villain. The existing building was constructed in 1971 and contains approximately 15,296 gsf of floor area. Projected Development Site 1 is currently owned by the applicant, 307 Kent Associates. Projected Development Site 2 is currently occupied by an 11,334-gsf single story warehouse constructed in 1962. The applicant does not control this site.

The Project Area also includes three additional lots and portions of two more lots on Block 2415 that are not anticipated to be redeveloped as a result of the Proposed Actions. These are Lots 10, 7501, 7502, and p/o Lots 16 and 38. Lots 10, 7501, and 7502 were redeveloped pursuant to 2003 BSA Resolution (BSA Cal. No 102-03-BZ), which granted a variance for the development of three buildings that have subsequently been completed. This development consists of two four-story residential condominium buildings with a combined floor area of 57,819 gsf on Lots 7501 and 7502, which were completed in 2009 and 2010, and a single-story commercial building with a floor area of 3,212 gsf on Lot 10 completed in 2008. A shared accessory parking lot also exists in the rear yard and rear yard equivalent of Lots 7501 and 7502 containing 29 parking spaces for building residents. Lot 16 currently contains a private accessory parking lot associated with an adjacent daycare use at 56 South 2nd Street (Lot 19), while Lot 38 contains a 12,172-gsf four-story residential walk-up with ground floor retail constructed in 1920 and converted to the current use in 2000. Uses within the land use study area include residential, commercial, industrial, and open space uses and range from large buildings to single-story structures. Under CEQR, a land use analysis characterizes the uses and development trends in the area that may be affected by a proposed project. The analysis also considers the project's compliance with and effect on the area's zoning and other applicable public policies. The EIS land use, zoning, and public policy assessment, which provides a baseline for other analyses, will consist of the following tasks:

- Provide a brief development history of the Projected Development Sites and study area. The study area will include the area within approximately 400 feet of the Project Area.
- Based on existing studies, information included in existing geographic information systems (GIS) databases for the area and field surveys, identify, describe, and graphically present

predominant land use patterns and site utilization on the project sites and in the study area. Recent land use trends and major factors influencing land use trends will be described.

- Describe and map existing zoning and any recent zoning actions on the project sites and in the 400-foot study area.
- Summarize other public policies that may apply to the project sites and study area, including any formal neighborhood or community plans and the City's Comprehensive Waterfront Plan.
- Prepare a list of other projects expected to be built in the study area that would be completed before or concurrent with the proposed project (No Action projects). Describe the effects of these projects on land use patterns and development trends. Also, describe any pending zoning actions or other public policy actions that could affect land use patterns and trends in the study area, including plans for public improvements.
- Describe the proposed actions and provide an assessment of the impacts of the proposed actions on land use and land use trends, zoning, and public policy. Consider the effects related to issues of compatibility with surrounding land use, consistency with zoning and other public policy initiatives, and the effect of the projects on development trends and conditions in the area.
- Since the Projected Development Sites are located in the Coastal Zone, an assessment of the projects' consistency with the Waterfront Revitalization Program (WRP) also will be prepared. This includes the preparation of a WRP Consistency Assessment Form (CAF). The WRP CAF will address in part the proposals flood resiliency, both to current flood hazards and to future flood hazards, with sea level rise and climate change.

TASK 3: HAZARDOUS MATERIALS

In accordance with guidance presented in the *CEQR Technical Manual*, the evaluation for the potential presence of hazardous materials resulting from previous and existing uses at or near the Projected Development Sites began with a Phase I Environmental Site Assessment (ESA), which was prepared by AKRF in April 2019. It identified evidence of Recognized Environmental Conditions (RECs), i.e., "the presence or likely presence of hazardous substances or petroleum products in, on, or at a property," including historical automotive uses, a historical tinware manufacturing facility and a ball bearing manufacturing warehouse at Projected Development Site 1 and a junkyard at Projected Development Site 2. Nearby historical industrial/automotive uses, were also identified.

PROJECTED DEVELOPMENT SITE 1

Consistent with an August 13, 2019 letter from the NYC Department of Environmental Protection (DEP), a Work Plan for a Phase II Investigation (collection and laboratory analysis of subsurface samples) of Projected Development Site 1 was prepared and submitted to DEP for review. The agency approved the Work Plan in a letter dated December 3, 2019. Following implementation of the approved Work Plan and preparation of a report documenting its performance and describing its findings, a Remedial Action Plan (RAP) and associated Construction Health and Safety Plan (CHASP) will be prepared and submitted to DEP for review and approval. The RAP and CHASP will set out procedures to be followed to avoid the potential for adverse impacts related to hazardous materials identified by the Phase II Investigation as well as other hazardous materials that could be unexpectedly encountered during construction at Projected Development Site 1. The RAP will address requirements for items such as soil management (including stockpiling, handling, transportation and disposal), dust control and air monitoring, and contingency measures should any underground storage tank (USTs) or soil contamination be encountered. The CHASP will present a hazard assessment for the construction workers and set out the requirements for real-

time air monitoring for respirable dust and volatile organic compounds (VOCs) during portions of the subsurface disturbance, to protect both the construction workers and the community. Following construction at Projected Development Site 1, occupancy permits would only be issued once DEP receives and approves a Remedial Closure Report, certified by a New York-licensed Professional Engineer, that documents the RAP and CHASP were properly implemented.

PROJECTED DEVELOPMENT SITE 2

For Projected Development Site 2, an (E) Designation for hazardous materials would be placed on the NYC Zoning Map as part of the Proposed Actions to ensure requirements pertaining to hazardous materials would be addressed during any future redevelopment involving soil disturbance. An (E) Designation imposes pre- and post-construction requirements overseen by the New York City Office of Environmental Remediation (OER) that require a Remedial Investigation (RI) be conducted including the collection of soil, groundwater, and soil vapor samples with laboratory analysis for a full suite of analytical parameters. Prior to such testing, an RI Work Plan and Health and Safety Plan (HASP) for the investigation would be submitted to OER for review and approval. Based on the results of the RI, a Remedial Action Work Plan (RAWP) and associated CHASP would be prepared for implementation during the subsurface disturbance associated with construction. The RAWP and CHASP would address requirements for items such as petroleum tank removal, dust control, and contingency measures should unforeseen petroleum tanks or soil contamination be encountered. The RAWP would also include any necessary requirements for vapor controls should the RI reveal the potential for soil vapor intrusion. The RAWP and CHASP would be subject to OER approval and, following construction, occupancy permits could only be issued once OER receives and approves documentation that the RAWP and CHASP were properly implemented.

TASK 4: TRANSPORTATION

In accordance with guidance prescribed in the *CEQR Technical Manual*, the evaluation of potential transportation-related impacts associated with a proposed project begins with screening assessments, which encompasses the preparation of travel demand estimates (Level-1 screening analysis) and/or trip assignments (Level-2 screening analysis), to determine if detailed analyses would be required to address the potential impacts project-generated trips may have on the transportation system. The *CEQR Technical Manual* states that quantified transportation analyses may be warranted if a proposed action results in 50 or more vehicle-trips and/or 200 or more transit/pedestrian trips during a given peak hour. Based upon a preliminary travel demand assessment of the No Action (as-of-right) scenario and the With Action scenario, the incremental trip-making shows that quantified analysis of traffic, transit (bus only), parking, pedestrian conditions, and vehicular/pedestrian safety would be warranted for the weekday peak periods. The transportation scope is outlined below.

TRAVEL DEMAND PROJECTIONS AND SCREENING ASSESSMENTS

The transportation analysis for the environmental review will compare the Proposed Actions with the No Action scenario to determine the trip-making increments that could occur as result of the Proposed Actions. Travel demand estimates and a transportation screening analysis will be prepared and summarized in a draft Travel Demand Factors (TDF) Memorandum. Detailed trip estimates were developed using standard sources, including the *CEQR Technical Manual*, U.S. Census data, approved studies, and other references. The trip estimates (Level-1 screening assessment) were summarized by peak hour (weekday AM, midday, and PM peak hours), mode of travel, and person vs. vehicle trips. The trip estimates also identified the number of peak hour

person trips made by transit and the number of pedestrian trips traversing the area's sidewalks, corner reservoirs, and crosswalks.

TRAFFIC

Based on preliminary trip estimates, a study area of 13 traffic intersections will be included for a detailed analysis of potential traffic impacts for the weekday AM, midday, and PM peak hours. The study area includes intersections along the Kent Avenue, Wythe Avenue, and Metropolitan Avenue corridors.

Data Collection and Baseline Traffic Volumes

Traffic volumes and relevant data at the study area intersections will be collected following *CEQR Technical Manual* guidelines. The traffic data collection program will include 9-day automatic traffic recorder (ATR) counts, intersection turning movement counts, vehicle classification counts, conflicting bike/pedestrian volumes, and an inventory of existing roadway geometry (including street widths, travel directions, lane markings, curbside regulations, bus stop locations, etc.) and traffic control. Official signal timing data will be obtained from the New York City Department of Transportation (DOT) for incorporation into the capacity analysis described below. Using the collected traffic data, balanced traffic volume networks will be developed for the weekday AM, midday, and PM peak hours.

Existing Conditions Capacity Analysis

Balanced peak hour traffic volumes will be prepared for the capacity analysis of study area intersections. This analysis will be conducted using the 2000 *Highway Capacity Manual* (HCM) methodology with the latest approved Highway Capacity Software (HCS) or Synchro. The existing volume-to-capacity (v/c) ratios, delays, and levels of service (LOS) for the weekday AM, midday, and PM peak hours will be determined.

No Action Conditions Analysis

The future No Action traffic volumes will be estimated by adding a background growth, in accordance with *CEQR Technical Manual* guidelines, to existing traffic volumes, and incorporating incremental changes in traffic resulting from the No Action development and other projects in the area. Physical and operational changes that are expected to be implemented independent of the Proposed Actions, if any, will also be incorporated into the future traffic analysis network. The No Action v/c ratios, delays, and LOS at the study area intersections will be determined.

With Action Conditions Analysis

Incremental project-generated vehicle trips will be added to the future No Action traffic network. The potential impact on v/c ratios, delays, and LOS will then be evaluated in accordance with *CEQR Technical Manual* criteria. For vehicle movements found to incur delays exceeding the CEQR impact thresholds, traffic engineering improvement measures will be explored to mitigate the identified significant adverse traffic impacts to the extent practicable.

TRANSIT

Available public transportation near the proposed rezoning area includes subway service at the Marcy Avenue Station (J, M, and Z trains) and the Bedford Avenue Station (L train), and local bus routes including the B32, B62, and Q59. Based on preliminary estimates, the Proposed Actions' incremental peak hour transit trips would add fewer than 200 trips to each of the subway

stations and on each of the J, M, Z, and L subway lines, such that detailed analyses of subway station elements and line-haul levels would not be warranted. However, the preliminary travel demand estimates indicate that quantified analyses of line-haul conditions would be warranted for the B32 and B62 bus routes, which are expected to incur more than 50 peak hour riders in one direction to/from the proposed actions during the weekday AM and PM peak periods. Where significant adverse impacts are identified, improvement measures will be recommended to mitigate the impacts to the extent practicable in accordance with *CEQR Technical Manual* procedures.

PEDESTRIANS

Based on preliminary estimates, detailed pedestrian analyses would be warranted for the weekday AM, midday, and PM peak hours. A pedestrian study area of up to two equivalent intersections (i.e., up to 8 corner reservoirs and 8 crosswalks) and their adjoining sidewalks (i.e., up to 16 sidewalks) will be analyzed for the existing, No Action, and With Action conditions per *CEQR Technical Manual* guidelines, similar to procedures described above for the traffic analyses. Where significant adverse impacts are identified, improvement measures will be recommended to mitigate the impacts to the extent practicable.

VEHICULAR AND PEDESTRIAN SAFETY

Crash data for the study area intersections and other nearby sensitive locations from the most recent three-year period will be obtained from DOT to determine if any are classified as high-crash locations, which according to the *CEQR Technical Manual*, are those with 48 or more crashes or 5 or more bike/pedestrian-related crashes over a 12-month period. Where necessary, improvement measures will be explored to address the identified unsafe geometric and/or operational deficiencies.

PARKING

An off-street parking supply and utilization analysis will be performed for the area within ¼-mile of the proposed rezoning area. This analysis will involve an inventory of existing parking levels, projections of future No Action and With Action utilization levels, and comparison of these projections to the future anticipated parking supply to determine the potential for a parking shortfall. As with traffic, these analyses will be performed in accordance with *CEQR Technical Manual* procedures.

TASK 5: AIR QUALITY

The number of project-generated vehicle trips, as compared with the "No Action" scenario, may exceed the vehicle trip screening thresholds defined in the *CEQR Technical Manual* for conducting a quantified analysis of carbon monoxide (CO) and/or particulate matter (PM) emissions from mobile sources. Therefore, a screening analysis for mobile sources will be performed. If screening thresholds are exceeded, a detailed mobile source analysis would be required.

For stationary sources, a screening analysis will be prepared to determine whether emissions from any on-site fuel-fired equipment (e.g., boilers/hot water heaters) could potentially cause a significant adverse air quality impact. The screening analysis will use procedures outlined in the *CEQR Technical Manual*. The initial screening procedure involves determining the distance from the exhaust point within which potential significant impacts may occur, on elevated receptors (such as open windows, air intake vents, etc.) that are of similar or greater height when compared

with the height of the proposed project's exhaust stack(s). The distance within which a significant impact relative to CO, PM less than 10 micrometers in diameter (PM_{10}), sulfur dioxide (SO_2), and annual average NO_2 National Ambient Air Quality Standards (NAAQS) levels may occur is dependent on a number of factors, including the height of the discharge, type(s) of fuel combusted, and development size or emissions. The screening procedure will also utilize EPA's AERSCREEN screening dispersion model, to determine whether there any significant adverse impacts could potentially occur with respect to the 1-hour average (NO_2) NAAQS concentration and fine PM ($PM_{2.5}$) *de minimis* criteria, and, if fuel oil is proposed to be used, the 1-hour average SO_2 NAAQS concentration. If the screening analyses determine the potential for significant adverse impacts, a refined air quality analysis would be performed as per the *CEQR Technical Manual*.

Since the New York Power Authority's North 1st Street simple cycle power plant is within 1,000 feet of the rezoning area, an analysis of the potential air quality impacts on the proposed project is required, as described in the *CEQR Technical Manual*. A detailed stationary source analysis using the EPA AERMOD dispersion model will be performed to evaluate the potential significance of air quality impacts on the proposed project. For this analysis, five years of recent meteorological data, consisting of surface data from a nearby National Weather Station (2014–2018), and concurrent upper air data from Brookhaven, New York, will be used for the simulation modeling. Concentrations of the air contaminants of concern (e.g., PM, NO_2, and SO_2) will be determined at ground level receptors as well as elevated receptors representing floors on the proposed building. Predicted values will be compared with NAAQS, and if required, the City's $PM_{2.5}$ *de minimis* criteria. If any additional large or major sources of emissions are identified requiring an analysis, this work would be prepared as a contingency task.

The RWCDS would include certain light industrial uses. Therefore, potential impacts from pollutant emissions potential tenanting of associated use groups on the project site will be evaluated on surrounding sensitive uses in the community. A screening analysis will be performed using the procedures outlined in the *CEQR Technical Manual*. Predicted worst-case impacts on the RWCDS will be compared with the short-term guideline concentrations (SGC) and annual guideline concentrations (AGC) reported in NYSDEC's DAR-1 AGC/SGC Tables guidance document to determine the potential for significant impacts. If potential significant adverse air quality impacts are identified, a refined analysis will be performed using the EPA AERMOD model.

An analysis of uses surrounding the rezoning area will be performed to determine the potential for impacts from industrial emissions. A field survey will be conducted to determine if there are any processing or manufacturing facilities within 400 feet of the project site. A copy of the air permits for each of these facilities will be requested from the NYCDEP Bureau of Environmental Compliance. A review of New York State Department of Environmental Conservation (NYSDEC) Title V permits and the Environmental Protection Agency (EPA) Envirofacts database will also be prepared to identify any federal or state-permitted facilities. If permit information on any emissions from processing or manufacturing facilities within 400 feet of the project sites are identified, an industrial source screening analysis as detailed in the *CEQR Technical Manual* will be performed. If any unpermitted facilities are identified, the emissions will be quantified through coordination with NYCDEP.

TASK 6: NOISE

The noise analysis will examine impacts of existing noise sources (e.g., vehicular traffic from adjacent roadways) on the proposed uses and the potential impacts of project-generated noise on noise-sensitive land uses nearby. Existing noise levels at Projected Development Site 1 were

measured at three locations (on South 2nd Street between Kent Avenue and Wythe Avenue; on Kent Avenue midway between South 2nd Street and 3rd Street; and on South 3rd Street between Kent Avenue and Wythe Avenue), for 20 minutes during each of the three weekday peak periods—AM (8:00 AM to 9:00 AM), midday (MD) (12:00 PM to 1:00 PM), and PM (4:30 PM to 5:30 PM). Measurements were taken on September 13 and October 3, 2018. Based on these measurements, noise attenuation measures required under CEQR for the Projected Development Sites would be up to 28 dBA, which would be included in Noise (E) Designation requirements applied to Projected Development Site 1 and Projected Development Site 2.

The EIS noise analysis will include projections of future noise levels based on expected changes in changes in vehicular traffic on adjacent roadways. Based upon the results of noise level measurements, the results of traffic analysis, and the use of mathematical models, noise levels at each noise receptor location shall be determined in the future with and without the Proposed Actions. Projected future noise levels will be compared to appropriate standards and guideline levels, and general noise attenuation measures needed for project buildings to achieve compliance with standards and guideline levels beyond those specified above will be recommended, if necessary.

TASK 7: PUBLIC HEALTH

According to the guidelines of the *CEQR Technical Manual*, a public health assessment may be warranted if an unmitigated significant adverse impact is identified in other CEQR analysis areas, such as air quality, water quality, hazardous materials, or noise. If unmitigated significant adverse impacts are identified in any one of these technical areas and the lead agency determines that a public health assessment is warranted, an analysis will be provided for that specific technical area.

TASK 8: NEIGHBORHOOD CHARACTER

Neighborhood character is determined by a number of factors, including land use, socioeconomic conditions, open space, historic and cultural resources, urban design, visual resources, shadows, transportation, and noise. According to the guidelines of the *CEQR Technical Manual,* an assessment of neighborhood character is generally needed when a proposed project has the potential to result in significant adverse impacts in one of the technical areas presented above, or when a project may have moderate effects on several of the elements that define a neighborhood's character. Therefore, if warranted based on an evaluation of the Proposed Project's impacts, an assessment of neighborhood character will be prepared following the methodologies outlined in the *CEQR Technical Manual*. The analysis would begin with a preliminary assessment, which would involve identifying the defining features of the area that contribute to its character. If the preliminary assessment establishes that the Proposed Actions would affect a contributing element of neighborhood character, a detailed assessment will be prepared to examine the potential neighborhood character-related effects of the Proposed Actions through a comparison of future conditions both with and without the Proposed Actions.

TASK 9: MITIGATION

Where significant adverse project impacts have been identified for the Proposed Actions, measures to mitigate those impacts will be identified and described. The mitigation chapter will address the anticipated impacts requiring mitigation, likely mitigation measures, and the timing of the mitigation measures. Where impacts cannot be practicably mitigated, they will be disclosed as unavoidable adverse impacts.

TASK 10: ALTERNATIVES

The purpose of an alternatives analysis is to examine reasonable and feasible options that avoid or reduce project-related significant adverse impacts and achieve the stated goals and objectives of the proposed actions. The EIS will include an analysis of the following alternatives:

- A No Action Alternative, which is considered throughout the EIS as the No Action condition;
- A No Unmitigated Significant Adverse Impacts Alternative; and
- Other possible alternatives that may be developed during the EIS preparation process.

The specifics of these alternatives will be finalized as project impacts become clarified. The description and evaluation of each alternative will be provided at a level of detail sufficient to permit a comparative assessment of each alternative discussed.

TASK 11: EIS SUMMARY CHAPTERS

In accordance with *CEQR Technical Manual* guidelines, the EIS will include the following summary chapters:

- Unavoidable Adverse Impacts—which summarizes any significant adverse impacts that are unavoidable if the Proposed Actions is implemented regardless of the mitigation employed (or if mitigation is not feasible or practicable);
- Growth-Inducing Aspects of the Proposed Actions—which generally refers to "secondary" impacts of a proposed project that trigger further development; and
- Irreversible and Irretrievable Commitments of Resources—which summarizes the Proposed Actions and its impacts in terms of the loss of environmental resources (i.e., use of fossil fuels and materials for construction, etc.), both in the immediate future and in the long term.
- Executive Summary—which will use relevant material from the body of the EIS to describe the Proposed Actions, its significant and adverse environmental impacts, measures to mitigate those impacts, and alternatives to the Proposed Project. ✷